

James Madison to Charles Eaton Hayne, August 27, 1832. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.

TO C. E. HAYNES. MAD. MSS.

Montpellier, August 27, 1832.

The distinction is obvious between, 1st, Such interpositions on the part of the States against unjustifiable acts of the Federal Government as are within the provisions and forms of the Constitution. These provisions & forms certainly do not embrace the nullifying process proclaimed in South Carolina which begins with a single State and ends with the ascendancy of a minority of States over a majority; of 7 over 17; a federal law, during the process, being arrested within the nullifying State; and, if a revenue law, frustrated thro' all the States; 2 interpositions not within the purview of the Constitution by the States in the sovereign capacity in which they were parties to the constitutional compact. And here

it must be kept in mind that in a compact like that of the U. S. as in all other compacts, each of the parties has an equal right to decide whether it has or has not been violated and made void. If one contends that it has, the others have an equal right to insist on the validity and execution of it.

It seems not to have been sufficiently noticed that in the proceedings of Virginia referred to, the *plural* terms *States* was invariably used in reference to their interpositions; nor is this sense affected by the object of maintaining within their respective limits the authorities

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rights and liberties appertaining to them, which could certainly be best effectuated for each by co-operating interpositions.

It is true that in extreme cases of oppression justifying a resort to original rights, and in which passive obedience & non-resistance cease to be obligatory under any Government, a single State or any part of a State might rightfully cast off the yoke. What would be the condition of the Union, and the other members of it, if a single member could at will renounce its connexion and erect itself, in the midst of them, into an independent and foreign power; its geographical relations remaining the same, and all the social & political relations, with the others converted into those of aliens and of rivals, not to say enemies, pursuing separate & conflicting interests? Should the seceding State be the only channel of foreign commerce for States having no commercial ports of their own, such as that of Connecticut, N. Jersey, & North Carolina, and now particularly all the inland States, we know what might happen from such a state of things by the effects of it under the old Confederation among States bound as they were in friendly relations by that instrument. This is a view of the subject which merits more developments than it appears to have received.

I have sketched these few ideas more from an unwillingness to decline an answer to your letter than from any particular value that may be attached to them. You will pardon me therefore for requesting that you will regard them as for yourself, & not for publicity, which my very advanced age renders every day more and more to be avoided.

Accept Sir, a renewal of my respects & regard.